

ESTTA Tracking number: **ESTTA108576**

Filing date: **11/08/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

### Petitioner Information

Name	H. J. Rashti & Company, Inc.		
Entity	Corporation	Citizenship	New York
Address	1375 Broadway New York, NY 10018 UNITED STATES		

Attorney information	Maren C. Perry Morgan & Finnegan, LLP 3 World Financial Center New York, NY 10281-2101 UNITED STATES ptotmcommunications@morganfinnegan.com Phone:(212) 415-8700
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### Registration Subject to Cancellation

Registration No	2453043	Registration date	05/22/2001
Registrant	Children's Wear Digest, Inc. 3607 Mayland Court Richmond, VA 23233 UNITED STATES		
Goods/Services Subject to Cancellation	Class 035. First Use: 1999/03/15 , First Use In Commerce: 1999/03/15 Goods/Services: Mail order services specializing in children's apparel and accessories		
Grounds for Cancellation	The registered mark has been abandoned.		

Attachments	JUSTBOYSpetitiontocancel.pdf ( 2 pages )(89544 bytes )
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Signature	/mcp/
Name	Maren C. Perry
Date	11/08/2006

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**In the Matter of Registration No. 2,453,043**

**for the Mark JUST BOYS JUST GIRLS**

**Date of Issue: May 22, 2001**

	X	
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H. J. RASHTI & COMPANY, INC.,	:	
	:	
Petitioner,	:	
	:	
v.	:	Cancellation No.
	:	
CHILDREN'S WEAR DIGEST, INC.,	:	
	:	
Registrant.	:	
	X	

**PETITION FOR CANCELLATION**

Petitioner, H. J. Rashti & Company, Inc., a corporation organized and existing under the laws of the State of New York having a business address at 1375 Broadway, 20<sup>th</sup> Floor, New York, New York 10018 believes that it is or will be damaged by U.S. Trademark Registration No. 2,453,043 and hereby petitions to cancel same.

As grounds for this petition it is alleged that:

1. U.S. Trademark Registration No. 2,453,043 issued on May 22, 2001 to the Children's Wear Digest, Inc. for the mark JUST BOYS JUST GIRLS (stylized) in connection with "mail order services specializing in children's apparel and accessories" in International Class 35.
2. Upon information and belief, the current owner, the Children's Wear Digest, Inc.'s address is 3607 Mayland Court, Richmond, Virginia 23233.

3. Petitioner filed U.S. Application Serial No. 78/768,414 on December 7, 2005 for the mark JUST BOYS in connection with “blankets, blanket with a plush toy, plush rattle, teether attached”, “clothing” and “plush toys, plush rattle, squeak toy attached to a blanket; novelty plush toys”, in International Classes 24, 25 and 28, respectively.

4. The U.S. Patent and Trademark Office Examiner assigned to application Serial No. 78/768,414 has refused registration, alleging that the mark in the application is likely to cause confusion, or to cause mistake or to deceive with respect to the mark in Registration No. 2,453,043.

5. Petitioner will be or is likely to be damaged by continued existence of Registration No. 2,453,043 because this registration may prevent registration of petitioner’s mark.

6. Upon information and belief, Children’s Wear Digest, Inc. is no longer using the mark JUST BOYS JUST GIRLS (stylized) on the services listed in its registration, namely, “mail order services specializing in children’s apparel and accessories”, and has not used said mark for more than three (3) years, and has abandoned said mark.

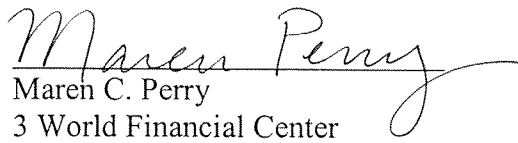
WHEREFORE, Petitioner requests that U.S. Registration No. 2,453,043 be canceled and this petition be sustained in favor of the Petitioner.

Respectfully submitted,

**MORGAN & FINNEGAN, L.L.P.**

Dated: New York, New York  
November 8, 2006

By:

  
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New York, New York 10281  
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Attorneys for Petitioner